

REMARKS

The Examiner's attention to the present application is noted with appreciation, as is his indication of the allowability of the subject matter of claims 9, 17, 19-28, 41-49, 51, 55-57, and 68-72. Claim 17 has been canceled and its substance incorporated into claim 1. Claims 17, 61, 66, and 77-95 are canceled. The following new claims are submitted, which comprise the subject matter of the claims in the parenthetical: 96 (original claim 1 and claims 6-9), 97 (original claim 1 and claims 40-41), 98 (original claim 1 and claims 40 and 47), 99 (original claim 1 and claims 40 and 49), 100 (original claim 1 and claims 50-51), 101 (original claim 1 and claims 53-55), 102 (original claim 1 and claim 68), 103 (original claim 1 and claim 70), and 104 (original claim 1 and either claims 40 and 45 or 46 or claims 53, 54, and 56).

Claim 61 was objected to, which objection is obviated by its cancellation.

Claims 3, 4, 8, 9, 18, and 66 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Oxygen has been removed from claim 3 and claim 4 amended to recite use of ambient air. Claim 8 has been amended to state the chemical substance generically rather than through use of a trademark. Claim 18 should have depended from claim 17, but the dependency is now correct with inclusion of the subject matter of claim 17 in claim 1. Claim 66 has been canceled.

Claims 1-4, 6, 11, 12, 15, 31, 39, 40, 61, 63, 64, and 74 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rohr et al. The rejection is obviated by amendment of claim 1 to include the subject matter of claim 17.

Claims 1-8, 10, 29-31, 34-38, 40, 48, 50, 52, 53, 54, 58, 59-61, 63-65, 67, and 74-76 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ohlsen et al. The rejection is traversed because the earliest effective filing date of the reference is November 17, 1999. The present application claims a chain of priority back to U.S. Provisional Patent Application Serial No. 60/132,909, filed May 6, 1999, which discloses at least the present application as claimed in the original independent claims 1 and 75, including the etch processing of the porous film / electrode.

Claims 1-4, 6-8, 10, 29, 30-40, 50, 52, 60, 61, 63-65, 67, and 74 were rejected under 35 U.S.C. § 102(e) as being anticipated by Neutzler et al. or Koripella et al. The rejection is traversed because the earliest effective filing dates of the two references are December 15, 2000, and July 18, 2000, respectively. The present application claims a chain of priority back to U.S. Provisional Patent Application Serial No. 60/132,909, filed May 6, 1999, which discloses at least the present application as claimed in the original independent claims 1 and 75, including the etch processing of the porous film / electrode.

Claims 13, 14, 48, 62, and 73 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the references cited earlier and including Fasano et al. The rejection is obviated by the amendment of claim 1 noted above.

The specification was objected to as containing a reference to Fig. 1. This has been corrected.

A check for additional claim fees is attached. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213. A duplicate of this paper is enclosed for accounting purposes. Also being filed herewith is a Petition for Extension of Time to July 26, 2004, with the appropriate fee.

An earnest attempt has been made to respond to each and every ground of rejection advanced by the Examiner. However, should the Examiner have any queries, suggestions or comments relating to a speedy disposition of the application, the Examiner is invited to call the undersigned.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

PEACOCK, MYERS & ADAMS, P.C.

By: _____


Jeffrey D. Myers
Reg. No. 35,964
Direct Dial: (505) 998-1502

Attorney for Applicant
P.O. Box 26927
Albuquerque, New Mexico 87125-6927
Phone: (505) 998-1500
Fax: (505) 243-2542

Customer No. 005179

G:\AMDS\Sandia\SD6053\6053_AMD.doc